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Counsel for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

2-WAY COMPUTING, Inc. a Nevada
corporation,

Plaintiff,

v.

SPRINT SOLUTIONS, INC., a Delaware
corporation; NEXTEL FINANCE COMPANY,
a Delaware corporation; SPRINT UNITED
MANAGEMENT COMPANY, a Kansas
corporation; NEXTEL OF CALIFORNIA, INC.,
a Delaware corporation; NEXTEL BOOST OF
CALIFORNIA, LLC, a Delaware limited
liability company, and NEXTEL
COMMUNICATIONS, INC., a Delaware
corporation,

Defendants.

AND RELATED COUNTERCLAIM

Case No. 2:11-cv-00012-JCM-PAL

**DEFENDANTS' RESPONSE TO
2-WAY COMPUTING, INC.'S
NOTICE OF SUPPLEMENTAL
AUTHORITY REGARDING
DEFENDANTS' MOTION TO
EXCLUDE THE TESTIMONY OF
MICHELE M. RILEY**

1 In its most-recent Notice of Supplemental Authority, 2-Way argues that “Defendants
 2 failed to show that the \$5 base for the infringing iDEN PTT service covers any non-infringing
 3 feature, let alone several non-infringing features with ‘no relation’ to the patented feature.”
 4 Notice at 3. In doing so, 2-Way ignores the Court’s prior ruling that the QChat PTT
 5 products—which are the subject of the same \$5 charge as the iDEN PTT products—do not
 6 infringe. Accordingly, it cannot be the case that the \$5 charge only covers infringing features
 7 as 2-Way suggests.

8 The new case 2-Way cites, *Astrazeneca AB v. Apotex Corp.*, No. 2014-1221 (Fed.
 9 Cir. April 7, 2015), does nothing to change the requirement that a damages expert must at
 10 least attempt to apportion the value to the patented features. 2-Way’s expert Ms. Riley made
 11 no such attempt. Under the controlling law, including *Astrazeneca*, her damages opinion is
 12 fatally flawed and should be excluded.

13 Dated: April 20, 2015

Respectfully submitted,

**KILPATRICK TOWNSEND &
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s/Christopher Schenck

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*Sprint Solutions, Inc., Nextel Finance
Company, Sprint United Management
Company, Nextel of California, Inc., Nextel
Boost of California, LLC, and Nextel
Communications, Inc.*

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years. On this date, I caused to be served a true and correct copy of the foregoing **DEFENDANTS' RESPONSE TO 2-WAY COMPUTING, INC.'S NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY OF MICHELE M. RILEY** by the method indicated:

<u>XXX</u>	by the Court's CM/ECF Program
_____	by U. S. Mail
_____	by Facsimile Transmission
_____	by Electronic Mail
_____	by Federal Express
_____	by Hand Delivery

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DATED: April 20, 2015

/s/ Christopher Schenck
Christopher Schenck